

SENATE JOINT RESOLUTION 451
By Haynes

A RESOLUTION to create a special joint committee to study the trend of deinstitutionalization of mentally retarded persons and the downsizing of the populations of the state's developmental centers.

WHEREAS, the U.S. Department of Justice's (DOJ) investigation of the state's four developmental centers has produced negative findings relative to resident care, and has resulted in the Civil Rights Division of DOJ initiating a lawsuit against Arlington Developmental Center under the provisions of the Civil Rights of Institutionalized Persons Act (CRIPA); and

WHEREAS, as a result of the DOJ investigation, the Department of Mental Health and Mental Retardation (DMHMR) has been rapidly downsizing the populations of the state's four developmental centers: Arlington, Clover Bottom, Greene Valley and Nat T. Winston; and

WHEREAS, a recent audit by the Comptroller of the Treasury has revealed deficiencies in DMHMR's operation of such developmental centers; and

WHEREAS, the parents and legal guardians of the residents of the four developmental centers have expressed very real concerns about the quality of care received by institutionalized persons, the condition and health of formerly institutionalized persons who have been moved into community-based settings, and the overall wisdom and feasibility of the entire deinstitutionalization movement and its potential deleterious effects on the mentally retarded citizens of Tennessee; and

WHEREAS, the issues surrounding the philosophy of deinstitutionalization deserve public debate and investigation by this General Assembly; and

WHEREAS, the concept of changing the role of state government from providing direct care to mentally retarded persons, and especially severely mentally retarded persons, to overseeing private, community-based initiatives should be accomplished only after careful study; and

WHEREAS, as of yet, there has not been conducted a conclusive study of Tennessee's residential, community-based options for care of mentally retarded persons, despite the fact that many of the persons being transferred from Tennessee's four developmental centers are being transferred into such settings; and

WHEREAS, the safety and rights of people with mental retardation, and the rights of their parents and guardians, should be given utmost consideration when relocating the residents of the state's developmental centers to community-based settings; and

WHEREAS, this timely and important issue is of concern to all Tennesseans, and should be carefully studied and examined by this General Assembly; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a special joint committee to study the trend of deinstitutionalization of mentally retarded persons and the downsizing of the populations of the state's four developmental centers.

BE IT FURTHER RESOLVED, That the special joint committee shall be constituted as follows: four (4) members of the Senate, to be appointed by the Speaker of the Senate; four (4) members of the House of Representatives, to be appointed by the Speaker of the House; one (1) parent or legal guardian of a resident of each of the state's four developmental centers: Arlington, Greene Valley, Clover Bottom and Nat T. Winston; and one (1) representative of the

Department of Mental Health and Mental Retardation, to be appointed by the Commissioner of Mental Health and Mental Retardation.

BE IT FURTHER RESOLVED, That the special joint committee shall study and evaluate the following topics, in addition to any other topics the committee finds relevant:

1. the present and long-term effects of the trend toward “deinstitutionalization” of mentally retarded persons;
2. circumstances of people transferred from Tennessee’s developmental centers since January 1, 1990;
3. hold public hearings and solicit public and professional comment from all sides of the issue;
4. research the community resources available in the areas surrounding these developmental centers and determine whether or not there is sufficient community support and resources to properly accomplish the goals of deinstitutionalization;
5. the pertinence and implications of relevant provisions of the Social Security Act and CFR 441.302D, which mandate that recipients of services and guardians be given choice regarding institutional services; and
6. the components and proposals of “Vision 2000,” the recent report promulgated by the Department of Mental Health and Mental Retardation.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request by the chair.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly. At its first meeting, the special joint committee shall elect a chair, vice-chair, and such other officers that the committee deems necessary from among the legislative members.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of

such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundredth General Assembly no later than February 1, 1997, at which time the committee shall cease to exist.

A RESOLUTION to create a special joint committee to study the trend of deinstitutionalization of mentally retarded persons and the downsizing of the populations of the state's developmental centers.

A RESOLUTION to create a special joint committee to study the trend of deinstitutionalization of mentally retarded persons and the downsizing of the populations of the state's developmental centers.

A RESOLUTION to create a special joint committee to study the trend of deinstitutionalization of mentally retarded persons and the downsizing of the populations of the state's developmental centers.

A RESOLUTION to create a special joint committee to study the trend of deinstitutionalization of mentally retarded persons and the downsizing of the populations of the state's developmental centers.

A RESOLUTION to create a special joint committee to study the trend of deinstitutionalization of mentally retarded persons and the downsizing of the populations of the state's developmental centers.